GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

STARRED QUESTION NO:224
ANSWERED ON:08.08.2006
PROTECTION OF REFUGEES
Kurup Adv. Suresh

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the total number of registered refugees in the country as on December 31, 2005;

(b) whether the Government proposes to ratify the Refugee Convention 1951 and enact a comprehensive refugees protection legislation;

(c) if so, the details in this regard;

(d) if not, the justification therefor;

(e) whether a Model Law on the subject had engaged attention of the Government in the past;

(f) if so, the details thereof and the action taken by the Government in this regard; and

(g) if not, the reasons therefor?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SRIPRAKASH JAISWAL)

(a) to (g): A Statement is laid on the Table of the House.

STATEMENT IN REPLY TO THE LOK SABHA STARRED QUESTION NO. 224 DUE FOR ANSWER ON 8.8.2006.

(a): The total number of registered foreign refugees (excluding Pakistanis) as on 31.12.2005 is 2,15,869.

(b) to (d): Government of India is not a party to 1951 Geneva Convention on the status of refugees and its 1967 Protocol. The main reasons, inter-alia, why India has not signed the above Convention and its Protocol are as follows:

(i) The Protocol is only a partial regime for refugee protection.

(ii) The convention and protocol are designated primarily to deal with individual cases and not with situation of mass influx.

(iii) They do not address adequately situations faced by the developing countries.

(iv) The situation of mixed flows have not been adequately addressed as in many cases, refugees are, in fact, economic migrants.

(v) There is no balance between rights and obligations of receiving and source States.

(vi) The concept of international burden-sharing has not been developed adequately in the convention.

(vii) The convention and the Protocol do not address the question of minimum responsibility of State not to create refugee flows.

(viii) Cooperation with other States in the resolution of refugee problems has not been addressed in the convention and its protocol.

(e): Yes, Sir.

(f) & (g): A draft model law 'Refugee and Asylum Seekers Protection Act, 2000' was prepared by Justice P.N. Bhagwati. This draft model law, inter-alia, defines persons who will be refugees, who will not be refugees, procedure for refugee status determination and rights and duties of refugee, etc. Keeping in view the existing domestic laws and national security considerations, action has been initiated for taking a final view on this draft law.